# Executive Summary – Enforcement Matter – Case No. 44042 Victoria County Water Control and Improvement District No. 2 RN101612331

#### Docket No. 2012-0913-MWD-E

Order Type:

1660 Agreed Order

**Findings Order Justification:** 

N/A

Media:

MWD

**Small Business:** 

No

Location(s) Where Violation(s) Occurred:

Placedo Wastewater Plant, located approximately 3,000 feet north-northeast of the intersection of U.S. Highway 87 and Farm-to-Market Road 616, southeast of the intersection of Grand Street and Preston Street, Placedo, Victoria County

**Type of Operation:** 

Wastewater treatment plant

**Other Significant Matters:** 

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 24, 2012

Comments Received: No

**Penalty Information** 

**Total Penalty Assessed:** \$18,360

Amount Deferred for Expedited Settlement: \$3,672 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$14,688

**Total Due to General Revenue: \$0** 

Payment Plan: N/A **SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:** 

Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

### Executive Summary – Enforcement Matter – Case No. 44042 Victoria County Water Control and Improvement District No. 2 RN101612331 Docket No. 2012-0913-MWD-E

### **Investigation Information**

Complaint Date(s): N/A

**Complaint Information**: N/A

Date(s) of Investigation: March 6, 2012 and April 19, 2012

Date(s) of NOE(s): March 29, 2012

### Violation Information

- 1. Failed to submit the discharge monitoring reports ("DMRs") for the monitoring periods ending January 31, 2011 through December 31, 2011, by the 20th day of the following month [30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012743001, Monitoring and Reporting Requirements No. 1].
- 2. Failed to submit a complete sludge report for the monitoring period ending July 31, 2011. Specifically, the sewage sludge for land application ("SLLA") DMR for the 2011 sludge report was missing parameter data [30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0012743001, Sludge Provisions].
- 3. Failed to pay outstanding public health service fees for TCEQ Financial Account No. 92350006 for the 2012 fiscal year [30 Tex. ADMIN. CODE § 205.6 and Tex. WATER CODE § 5.702].

# Corrective Actions/Technical Requirements

# Corrective Action(s) Completed:

N/A

# **Technical Requirements:**

The Order will require Respondent to:

- a. Within 30 days:
- i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished including the timely submittal of signed and certified monthly DMRs and annual sludge reports;
- ii. Submit the DMRs for the monitoring periods ending January 31, 2011 through December 31, 2011;
- iii. Submit the complete SLLA DMR for the 2011 sludge report; and
- iv. Submit payment for all outstanding fees, including any associated penalties and interest.

### Executive Summary – Enforcement Matter – Case No. 44042 Victoria County Water Control and Improvement District No. 2 RN101612331 Docket No. 2012-0913-MWD-E

b. Within 45 days, submit written certification demonstrating compliance.

## Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

## **Contact Information**

TCEQ Attorney: N/A

TCEO Enforcement Coordinator: Jennifer Graves, Enforcement Division,

Enforcement Team 1, MC R-15, (956) 430-6023; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Jimmy W. Johnson, President, Victoria County Water Control and

Improvement District No. 2, P.O. Box 238, Placedo, Texas 77977

**Respondent's Attorney:** N/A



#### Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 2-Apr-2012 PCW 19-Apr-2012 Screening 16-Apr-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Victoria County Water Control and Improvement District No. 2 Reg. Ent. Ref. No. RN101612331 Facility/Site Region 14-Corpus Christi Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 44042 No. of Violations 1 Docket No. 2012-0913-MWD-E Order Type 1660 Government/Non-Profit Yes Media Program(s) Water Quality Multi-Media **Enf. Coordinator** Jennifer Graves EC's Team Enforcement Team 1 Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$7,000 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 36.0% Enhancement Subtotals 2, 3, & 7 \$2,520 Enhancement for four NOVs with same/similar violations, one NOV with dissimilar violations, and seven months of self-reported effluent Notes violations 0.0% Enhancement Subtotal 4 Culpability No \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement\* \$0 Economic Benefit Subtotal 6 Total FB Amounts Capped at the Total EB \$ Amount Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 \$9,520 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$9,520 STATUTORY LIMIT ADJUSTMENT \$9,520 Final Assessed Penalty DEFERRAL -\$1,904 20.0% Reduction Adjustment Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Deferral offered for expedited settlement. Notes

\$7,616

**PAYABLE PENALTY** 

PCW

**Respondent** Victoria County Water Control and Improvement District No. 2

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

**Case ID No.** 44042

Reg. Ent. Reference No. RN101612331

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

**Compliance History Worksheet** 

>> Compliance History Site Enhancement (Subtotal 2)	

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	8	16%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	n.	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	9	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	\$411416667441111111 1	0%
autic)	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	The state of the s	0%

	Pie	ase Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

36%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

\_\_\_\_\_

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, one NOV with dissimilar violations, and seven months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

36%

Screening Date 16-Apr-2012 Docket No. 2012-0913-MWI Respondent Victoria County Water Control and Improvement District No. 2	Policy Revision	PCW 2 (September 2002)
Case ID No. 44042  Reg. Ent. Reference No. RN101612331  Media [Statute] Water Quality  Enf. Coordinator Jennifer Graves  Violation Number 1	PCW Revis	ion October 30, 2008
Rule Cite(s)  30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Tex Discharge Elimination System Permit No. WQ0012743001, Monit Reporting Requirements No. 1		
Violation Description  Failed to submit the discharge monitoring reports ("DMRs") for the periods ending January 31, 2011; February 28, 2011; March 31, 20 2011; May 31, 2011; June 30, 2011; and July 31, 2011, by the 20t following month, as documented during a record review conducted 2012.	11; April 30, h day of the	
	Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix		
Harm Release Major Moderate Minor		
OR Actual Potential Percent 0	0%	
>>Programmatic Matrix		
Falsification Major Moderate Minor  x Percent 10	0%	
Matrix Notes 100% of the permit requirement was not met.		
Adjustment	\$9,000	
		\$1,000
Violation Events		
Number of Violation Events 7 Number of violation	ion days	000000000000000000000000000000000000000
mark only one with an x  mark only one with an x  mark only one with an x  semiannual  daily weekly monthly quarterly semiannual  Violation I	Base Penalty	\$7,000
annual		
Seven single events are recommended for the months of January 2011 through .	July 2011.	AMB THE
Good Faith Efforts to Comply 0.0% Reduction		\$0
Before NOV NOV to EDPRP/Settlement Offer Extraordinary		
Ordinary N/A X (mark with x)		,
Notes The Respondent does not meet the good faith criteria this violation.	for	***************************************
Violat	ion Subtotal	\$7,000
Economic Benefit (EB) for this violation Statutory Lie		
Estimated EB Amount \$52 Violation Final P		\$9,520
This violation Final Assessed Penalty (adjuste	ed for limits)	\$9,520

Case ID No.	44042						
ea. Ent. Reference No.							
	Water Quality					Percent Interest	Years of Depreciation
Violation No.	1			der Aldelde		= 0	
	****** ****	Date Required	Final Date		Tudanant Carad	5.0 Onetime Costs	1 EB Amount
			rinai vate	115	Interest Saveu	Onetime Costs	ED AIMOUNT
Item Description	No commas or \$						
Delaved Costs							
Equipment	<b></b>	T I		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	20-Feb-2011	31-Jan-2013	1.95	\$2	\$39	\$41
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	r/a	\$0
Training/Sampling	\$250	6-Mar-2012	74 7 2012	0.91	\$11	n/a	\$11
	1	N O-Mai ZOIZ N	31-Jan-2013			17.0	
Remediation/Disposal	7822	0=Hai =2012	31-Jan-2013	0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs		0-Mai-2012	31~Jan-2013	0.00	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal Permit Costs Other (as needed)	The estimate the first DI	d cost to prepare MR was due. Fina	and submit the I date is the exp	0.00 0.00 0.00 DMRs ected	\$0 \$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance	n/a n/a n/a \$300). Date requi c. The estimated co	\$0 \$0 \$0 red is the date st to update
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs	The estimate the first DI operational maintained ar	d cost to prepare MR was due. Fina guidance and con nd all reporting re	and submit the I date is the exp duct employee quirements are the expec	0.00 0.00 0.00 DMRs ected training met. I	\$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance g to ensure that al Date required is the e of compliance.	n/a n/a n/a \$300). Date requi e. The estimated co I monitoring records e record review dat	\$0 \$0 \$0 red is the date st to update are properly e. Final date is
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	The estimate the first DI operational maintained ar	d cost to prepare MR was due. Fina guidance and con nd all reporting re	and submit the I date is the exp duct employee quirements are the expec	0.00 0.00 0.00 DMRs pected training met. I ted dat	\$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance to ensure that alloate required is the e of compliance.	n/a n/a n/a s300). Date requi the estimated co monitoring records e record review dat	\$0 \$0 \$0 red is the date st to update is are properly e. Final date is
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal	The estimate the first DI operational maintained ar	d cost to prepare MR was due. Fina guidance and con nd all reporting re	and submit the I date is the exp duct employee quirements are the expec	0.00 0.00 0.00 DMRs pected training met. I ted dat enterir	\$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance g to ensure that all Date required is the e of compliance. ng item (except	n/a n/a n/a s300). Date requi a. The estimated co I monitoring records e record review dat for one-time avoid	\$0 \$0 \$0 red is the date st to update are properly e. Final date is ded costs)
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	The estimate the first DI operational maintained ar	d cost to prepare MR was due. Fina guidance and con nd all reporting re	and submit the I date is the exp duct employee quirements are the expec	0.00 0.00 0.00 DMRs bected training met. I ted dat enteria	\$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance g to ensure that all Date required is the e of compliance. of item (except \$0 \$0	n/a n/a n/a n/a \$300). Date requi the estimated co I monitoring records the record review dat  for one-time avoid \$0 \$0	\$0 \$0 \$0 red is the date st to update is are properly e. Final date is ded costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling	The estimate the first DI operational maintained ar	d cost to prepare MR was due. Fina guidance and con nd all reporting re	and submit the I date is the exp duct employee quirements are the expec	DMRs pected training met. I ted dat enterir 0.00 0.00 0.00 0.00	\$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance g to ensure that al Date required is the of compliance. ng item (except \$0 \$0	n/a n/a n/a n/a \$300). Date requi the estimated co I monitoring records the record review dat  for one-time avoid \$0 \$0 \$0	\$0 \$0 \$0 red is the date st to update are properly e. Final date is fed costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	The estimate the first DI operational maintained ar	d cost to prepare MR was due. Fina guidance and con nd all reporting re	and submit the I date is the exp duct employee quirements are the expec	0.00 0.00 0.00 0.00 DMRs bected training met. I ted dat enterir 0.00 0.00 0.00	\$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance g to ensure that al Date required is the e of compliance. ng item (except \$0 \$0 \$0	n/a n/a n/a n/a s300). Date requi the estimated co l monitoring records e record review dat for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 red is the date st to update are properly e. Final date is ded costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The estimate the first DI operational maintained ar	d cost to prepare MR was due. Fina guidance and con nd all reporting re	and submit the I date is the exp duct employee quirements are the expec	0.00 0.00 0.00 0.00 DMRs sected training met. I ted dat enterir 0.00 0.00 0.00 0.00	\$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance g to ensure that al Date required is the e of compliance. ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a n/a s300). Date requi the estimated co monitoring records e record review dat  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 red is the date st to update are properly e. Final date is ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The estimate the first DI operational maintained ar	d cost to prepare MR was due. Fina guidance and con nd all reporting re	and submit the I date is the exp duct employee quirements are the expec	0.00 0.00 0.00 0.00 DMRs bected training met. I ted dat enterir 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance g to ensure that al bate required is the e of compliance.  ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a s300). Date requi the estimated co il monitoring records the record review dat  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 red is the date st to update are properly e. Final date is ded costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	The estimate the first DI operational maintained ar	d cost to prepare MR was due. Fina guidance and con nd all reporting re	and submit the I date is the exp duct employee quirements are the expec	0.00 0.00 0.00 0.00 DMRs sected training met. I ted dat enterir 0.00 0.00 0.00 0.00	\$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance g to ensure that al Date required is the e of compliance. ng item (except \$0 \$0 \$0 \$0	n/a n/a n/a n/a s300). Date requi the estimated co monitoring records e record review dat  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 red is the date st to update are properly e. Final date is ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	The estimate the first DI operational maintained ar	d cost to prepare MR was due. Fina guidance and con nd all reporting re	and submit the I date is the exp duct employee quirements are the expec	0.00 0.00 0.00 0.00 DMRs bected training met. I ted dat enterir 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance g to ensure that al bate required is the e of compliance.  ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a s300). Date requi the estimated co il monitoring records the record review dat  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 red is the date st to update are properly e. Final date is ded costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The estimate the first DI operational maintained ar	d cost to prepare MR was due. Fina guidance and con nd all reporting re	and submit the I date is the exp duct employee quirements are the expec	0.00 0.00 0.00 0.00 DMRs bected training met. I ted dat enterir 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 (\$25 x 12 DMRs = date of compliance g to ensure that al bate required is the e of compliance.  ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a s300). Date requi the estimated co il monitoring records the record review dat  for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 red is the date st to update are properly e. Final date is ded costs) \$0 \$0 \$0 \$0 \$0

#### Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 2-Apr-2012 Screening 16-Apr-2012 **PCW** 19-Apr-2012 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Victoria County Water Control and Improvement District No. 2 Reg. Ent. Ref. No. RN101612331 Facility/Site Region 14-Corpus Christi Major/Minor Source Minor **CASE INFORMATION** Enf./Case ID No. 44042 No. of Violations 3 Docket No. 2012-0913-MWD-E Order Type 1660 Media Program(s) Water Quality Government/Non-Profit Yes Multi-Media Enf. Coordinator Jennifer Graves EC's Team Enforcement Team 1 Admin. Penalty \$ Limit Minimum Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$6,500 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 36.0% Enhancement \$2,340 Enhancement for four NOVs with same/similar violations, one NOV with dissimilar violations, and seven months of self-reported effluent Notes violations. 0.0% Enhancement Subtotal 4 \$0 Culpability No Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement\* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts Capped at the Total EB \$ Amount \$10 Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 \$8,840 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE \$0 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage Notes Final Penalty Amount \$8,840 STATUTORY LIMIT ADJUSTMENT \$8,840 Final Assessed Penalty DEFERRAL Reduction Adjustment -\$1,768 Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

\$7,072

Notes

PAYABLE PENALTY

PCW

Respondent Victoria County Water Control and Improvement [

Case ID No. 44042

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101612331

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Compliance History Worksheet t (Subtotal 2)

>> Compl	liance His	tory Site E	nhancement	(Subtotal 2)
				(

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	4	20%
	Other written NOVs	8	16%
	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
7	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	O	0%

Other

Environmental management systems in place for one year or more

Voluntary on-site compliance assessments conducted by the executive director under a special assistance program

Participation in a voluntary pollution reduction program

No

0%

Early compliance with, or offer of a product that meets future state or federal government environmental requirements

Adjustment Percentage (Subtotal 2)

36%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3)

0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

Enhancement for four NOVs with same/similar violations, one NOV with dissimilar violations, and seven months of self-reported effluent violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

36%

36%

Screening Date			lo. 2012-0913-MWD-E		PCW
	e e e e e e e e e e e e e e e e e e e	ater Control and Improvement	District No. 2	Policy Revision 3 (Se	eptember 2011)
Case ID No.				PCW Revision	August 3, 2011
Reg. Ent. Reference No.					
Media [Statute]					
Enf. Coordinator	1				
Violation Number	1				
Rule Cite(s)	30 Tex. Admi	in. Code §§ 305.125(1) and (17	7) and 319.7(d) and Texas Pc	illutant	
• •	Discharge Elimir	nation System ("TPDES") Permi	t No. WQ0012743001, Monit	oring and	
		Reporting Requirem	ients No. 1		
		the discharge monitoring repor			
Violation Description		l, 2011; September 30, 2011; (			
	and December 31	L, 2011, by the 20th day of the		ited during	
		a record review conducted	on March 6, 2012.		
			Ва	se Penalty	\$25,000
>> Environmental, Prope		U-sill Makein			
>> Environmental, Prope	iy anu numan	Harm			
Release	Major N	Moderate Minor			
OR Actua					
Potentia			Percent 0.0%	,]	
				_	
->Programmatic Matrix					
Falsification		Moderate Minor		٦	
<u> </u>	<u> </u>		Percent 5.0%	<u>.</u>	
Matrix	100	94 of the pormit requirement w	ar not mot		
Notes		% of the permit requirement w	as not met.		
<u> </u>					
			Adjustment	\$23,750	
					\$1,250
iolation Events					
ioladoli Events					
Number of	Violation Events	209	Number of violation days		
	daily				
	weekly				
mark only one	monthly				1.0000
with an x	quarterly		Violation Ba	se Penalty	\$6,250
	semiannual				
	annual single event				
	ange even				
Five sing	gle events are recon	nmended for the months of Aug	just 2011 through December	2011.	
ood Faith Efforts to Com		0.0% Reduction			\$0
	(weeks	Before NOV NOV to EDPRP/Settlemen	nt Offer		
	Extraordinary				
	Ordinary				
	N/A	X (mark with x)		7	
	., , т	he Respondent does not meet t	he good faith criteria for this		
	Notes	violatic	n.		
	<u> L</u>			Ш	
			Violatio	n Subtotal	\$6,250
conomic Benefit (EB) for	this violation		Statutory Limit Tes	it	
	ted EB Amount	\$0]	Violation Final Per		\$8,500
Louing				-	
		This violation Final As	ssessed Penalty (adjusted	for limits)	\$8,500

Media	RN101612331 Water Quality					Percent Interest	Years of
Violation No.	1					reitent miterest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		ļ		0.00	\$0	\$0	\$0
Engineering/construction		<b> </b>		0.00	\$0	\$0	\$0
Land		<b> </b>		0.00	\$0	n/a	\$0
Record Keeping System		<b> </b>		0.00	\$0	n/a	\$0 \$0
Training/Sampling		<u> </u>	*********	0.00	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal		<b> </b>		0.00	\$0	n/a	\$0 \$0
Permit Costs Other (as needed)		-	<del></del>				
			HL LE	0.00	L \$0	l n/a	\$0
Notes for DELAYED costs		See Economic B	enefit on the a			m/a l	<b>\$0</b>
Notes for DELAYED costs  Avoided Costs	ANNUAL			compa enterii	nying Penalty Calo	culation Worksheet. for one-time avoic	led costs)
Notes for DELAYED costs  Avoided Costs  Disposal	ANNUAL			ccompa enterii 0.00	nying Penaity Calo	culation Worksheet.  For one-time avoic	led costs) \$0
Notes for DELAYED costs  Avoided Costs  Disposal  Personnel	ANNUAL			enterii 0.00 0.00	nying Penalty Calo	culation Worksheet.  for one-time avoid \$0 \$0 \$0	\$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling	ANNUAL			enterii 0.00 0.00	ng item (except \$0 \$0 \$0	for one-time avoic  \$0  \$0  \$0  \$0  \$0	ed costs)   \$0   \$0   \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL			enterir 0.00 0.00 0.00 0.00	nying Penalty Calong item (except \$0 \$0 \$0 \$0	for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			enterii 0.00 0.00 0.00 0.00 0.00	nying Penalty Calong Item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	ANNUAL			enterir 0.00 0.00 0.00 0.00	nying Penalty Calong item (except \$0 \$0 \$0 \$0	for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL			enterii 0.00 0.00 0.00 0.00 0.00	nying Penalty Calong Item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	led cos \$ \$ \$ \$ \$

September 2011 In August 3, 201.	County Water Control and Improvement District No. 2 Policy Revision 3 (		Screening Date	
in August 3, 201.			•	
			Case ID No	Don 5
			int. Reference No	Key.
			Media [Statute] Enf. Coordinato	
	Glaves		Violation Numbe	
	(		Rule Cite(s	
	c. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0012743001, Sludge Provisions	30 Tex. Admin.	nuic cito(s	
	Siddly Provisions			
	to submit a complete sludge report for the monitoring period ending July 31,			
	s documented during a record review conducted on March 6, 2012. Specifically,	on 2011, as docume	Violation Description	
	wage sludge for land application DMR for the 2011 sludge report was missing parameter data.	the sewage slu		
	parometer dutar			
\$25,000	Base Penalty			
	подникаментом.			
	Human Health Matrix	erty and Huma	ronmental, Prope	> Envi
	Harm			
	or Moderate Minor	The second secon	Release	
	Percent 0.0%	[20200000000000000000000000000000000000	Actua	OR
	recent U.O.O.	.idi	Potentia	
			rammatic Matrix	>Proa
	or Moderate Minor		Falsification	
	Percent 1.0%			
			A Designation of the control of the	
	70% of the permit requirement was met.	7	Matrix	
	사람이 가는 사용하다 가는 사람들이 바다 主義的 되었다.		Notes	
			1	
			Lacontenant	
	Adjustment \$24,750			
\$250	Adjustment \$24,750			
\$250	Adjustment \$24,750			
\$250	Adjustment \$24,750		n Events	olatio
\$250			n Events	olatio
\$250		of Violation Events		olatio
\$250	Events 1 228 Number of violation days			olatio
\$250	Events 1 228 Number of violation days	daily		olatio
\$250	Events 1 228 Number of violation days  y kly	daily [_ weekly [_		olatio
	Events 1 228 Number of violation days  y kly hly	daily (weekly monthly		olatio
\$250 \$250	Events 1 228 Number of violation days  y kly hly erly  Violation Base Penalty	daily weekly monthly quarterly	Number of	olatio
	Events 1 228 Number of violation days  Y kly hiy erly nual  Violation Base Penalty	daily weekly monthly quarterly semiannual	Number of mark only one	olatio
	Events 1 228 Number of violation days  Vely his erly mual pal	daily weekly monthly quarterly	Number of mark only one	olatio
	Events 1 228 Number of violation days  Vely his erly mual pal	daily weekly monthly quarterly semiannual annual	Number of mark only one	olatio
	Events 1 228 Number of violation days  Vely his erly mual pal	daily weekly monthly quarterly semiannual annual	Number of mark only one	olatio
	Events 1 228 Number of violation days  Vely his erly mual pal	daily weekly monthly quarterly semiannual annual	Number of mark only one	olatio
	Events 1 228 Number of violation days  y kly this erly inual ual event x	daily weekly monthly quarterly semiannual annual	Number of mark only one	olatio
\$250	Events 1 228 Number of violation days  Y	daily weekly monthly quarterly semiannual annual single event	Number of  mark only one with an x	
	Events 1 228 Number of violation days    V	daily weekly monthly quarterly semiannual annual single event	Number of mark only one	
\$250	Events 1 228 Number of violation days  V kity hity erity onnual ual event x  One single event is recommended.  One single event is recommended.  One Single event is recommended.	daily weekly monthly quarterly semiannual annual single event	Number of  mark only one with an x	
\$250	Events 1 228 Number of violation days  Violation Base Penalty  Number of violation days  Violation Base Penalty  Nonual Jal Event X  One single event is recommended.	daily weekly monthly quarterly semiannual annual single event  mply  Extraordinary	Number of  mark only one with an x	
\$250	Events 1 228 Number of violation days  Y	daily weekly monthly quarterly semiannual annual single event  mply  Extraordinary Ordinary	Number of  mark only one with an x	
\$250	Events 1 228 Number of violation days  y kly this erly unual ual event x  One single event is recommended.  One single event on the second of	daily weekly monthly quarterly semiannual annual single event  mply  Extraordinary Ordinary N/A	Number of  mark only one with an x	
\$250	Events 1 228 Number of violation days  Y kly hily erly violation Base Penalty  Done single event is recommended.  One single event is recommended.  One single event is recommended.  One single event is recommended.  The Respondent does not meet the good faith criteria for this	daily weekly monthly quarterly semiannual annual single event  mply  Extraordinary Ordinary N/A	Number of  mark only one with an x	
\$250	Events 1 228 Number of violation days  y kly this erly unual ual event x  One single event is recommended.  One single event on the second of	daily weekly monthly quarterly semiannual annual single event  mply  Extraordinary Ordinary N/A	Number of  mark only one with an x	
\$250	Events 1 228 Number of violation days  y kly hly erly mual Jul event x  One single event is recommended.	daily weekly monthly quarterly semiannual annual single event  mply  Extraordinary Ordinary N/A	Number of  mark only one with an x	
\$250	Events 1 228 Number of violation days  y kly hly erly mual Jul event x  One single event is recommended.	daily weekly monthly quarterly semiannual annual single event  mply  Extraordinary Ordinary N/A	Number of  mark only one with an x	
\$250 \$0	One single event is recommended.	daily weekly monthly quarterly semiannual annual single event	Mumber of  mark only one with an x  ith Efforts to Con	ood Fa
\$250 \$0	One single event is recommended.	daily weekly monthly quarterly semiannual annual single event	Number of  mark only one with an x	ood Fa
\$250 \$0	Events 1 228 Number of violation days  y dy hily erly violation Base Penalty  One single event is recommended.  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal olds olds old the content of the subtotal olds olds olds olds olds olds old the criteria for this violation.	mply  Extraordinary Ordinary N/A  Notes  daily weekly monthly quarterly semiannual annual single event  To this violation	Mumber of  mark only one with an x  ith Efforts to Con	ood Fa
\$250 \$0	Events 1 228 Number of violation days  y dy hily erly violation Base Penalty  One single event is recommended.  The Respondent does not meet the good faith criteria for this violation.  Violation Subtotal olds olds old the content of the subtotal olds olds olds olds olds olds old the criteria for this violation.	daily weekly monthly quarterly semiannual annual single event	Mumber of  mark only one with an x  ith Efforts to Con	ood Fa

Respondent Case ID No. Reg. Ent. Reference No.	Victoria Count 44042	<b>conomic</b> by Water Control a	( 18 ) [45 18 14 JA JA SHI 45 18 18 JA	989878853898			
Media	Water Quality					Percent Interest	Years of Depreciation
Violation No.	- 2					r.0	Depreciation 15
	Itam Cast	Date Required	Final Date	Vre	Interact Cayed	5.0 Onetime Costs	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	1-Sep-2011	31-Jan-2013	1.42	\$0	\$9	\$10
Engineering/construction				0.00	\$0	\$0	\$0
Land		<u> </u>		0.00	\$0	n/a	\$0
Record Keeping System		4		0.00	<u>\$0</u>	n/a	\$0
Training/Sampling		4		0.00	\$0	n/a	\$0
Remediation/Disposal		4		0.00	\$0 \$0	n/a	<u>\$0</u>
Permit Costs Other (as needed)		4		0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs		The	e final date is th	e expe	cted date of comp		
Avoided Costs	ANNUAL	TYE [1] avoided	costs before	0.00	ig item (except	for one-time avoid	s0
Disposal Personnel		<b></b>		0.00	\$0 \$0	\$0 \$0	\$0 \$0
spection/Reporting/Sampling		1		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment	<b></b>	<b>†</b>		0.00	\$0	\$0 \$0	<del>3</del> 0 \$0
	i <del></del>	1		0.00	\$0	\$0	<del>~~~~~~~~~~~~</del>
Financial Assurance [2]							\$0
Financial Assurance [2] ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0 \$0
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)					\$0 \$0	\$0 \$0	\$0 \$0 \$0
ONE-TIME avoided costs [3]				0.00			\$0

PCW	<b>Docket No.</b> 2012-0913-MWD-E	ening Date 16-Apr-2012	
on 3 (September 2011) Levision August 3, 2011	•	espondent Victoria County Wa ase ID No. 44042	K.
evision August 3, 2011	PCW K	erence No. RN101612331	
· · · · · · · · · · · · · · · · · · ·		a [Statute] Water Quality	
		coordinator Jennifer Graves	
		Rule Cite(s)	Viola
	Tex. Admin. Code § 205.6 and Tex. Water Code § 5.702	30 T	
	utstanding public health service fees for TCEQ Financial Account No.		
	le 2012 fiscal year, as documented during a record review conducted on April 19, 2012.	n Description 92350006 for the	Violation
		L	
\$25,000	Base Penalty		
	n Health Matrix	ntal, Property and Human	> Environmer
	Harm		/ <b></b>
	Moderate Minor		OR
	Percent 0.0%	Actual Potential	<b>9</b> .
	Moderate Minor		>Programmat
	Moderate Minor Percent 0.0%	raisification major i	ſ
			g
			Matrix
	penalty was calculated for this violation.	No	Notes
			Į.
	Adjustment \$25,000		
+0	r		
\$0	L.		
		S	iolation Event
	Number of violation days	Number of Violation Events	
	Number of violation days	Number of Violation Liveritis	
		daily	
		weekly	
\$0	Violation Base Penalty	mark only one quarterly	
1		with an x semiannual	
***************************************		annual	
		single event	
0.00			[
11.0	led as penalties and interest will be assessed at the next billing.	No penalty is recommende	
			- Control of the Cont
\$0	0.0% Reduction	orts to Comply	ood Faith Effo
	Before NOV NOV to EDPRP/Settlement Offer		
		Extraordinary	
	(mark with x)	Ordinary N/A	
	igitidik witi X)	N/A <sub>II</sub>	
		Notes	
\$0	Violation Subtotal	PARENCE .	
<b>\$0</b>	Atotation androcal		
	Statutory Limit Test	fit (EB) for this violation	conomic Bene
\$0	\$0 Violation Final Penalty Total	Estimated EB Amount	
\$0]	This violation Final Assessed Penalty (adjusted for limits)		

	E(	conomic	Reneut	MAO	rksneet		
Respondent	Victoria Count	Water Control a	nd Improvemer	nt Distr	ict No. 2		
Case ID No.							
lea. Ent. Reference No.							
Media	Water Quality					Percent Interest	Years of
Violation No.	3					r ci cent linei est	Depreciation
						5.0	15
	Itam Cost	Date Required	Final Date	Vrc	Interest Saved	Onetime Costs	EB Amount
Item Description		Dute Required	I IIIUI DULC		Ameres Cor Dureu	Oncome coses	LD AMOUNT
item pescription	NO COMMINES OF \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a l	\$0
Notes for DELAYED costs				N/	<b>A</b>		
ALL LAND AND AND AND AND AND AND AND AND AND							
Avoided Costs	ANNUAL	[ZE [1] avoided	costs before			or one-time avoic	****
Disposal	ANNUAL	IZE [1] avoided	costs before	0.00	\$0	\$0	\$0
Disposal Personnel	ANNUAL	ZE [1] avoided	costs before	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel nspection/Reporting/Sampling	ANNUAL	ZE [1] avoided	costs before	0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANNUAL	ZE [1] avoided	costs before	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL	ZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL	ZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL	IZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUAL	ZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANNUAL	ZE [1] avoided	costs before	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0

### **Compliance History Report**

Customer/Respondent/Owner-Operator:

CN601582513

Victoria County Water Control and Improvement District No. 2

Classification: AVERAGE

Rating: 1.46

Regulated Entity:

RN101612331

PLACEDO WASTEWATER PLANT

Classification: AVERAGE

Site Rating: 1.46

ID Number(s):

**WASTEWATER** 

**PERMIT** 

WQ0012743001

WASTEWATER

**EPA ID** 

TX0093360

**LICENSE** 

WQ0012743001

Location:

APPROX 3,000 FT NNE OF THE INTX OF U.S. HWY 87 AND FM 616, SE OF THE INTX OF

GRAND ST AND PRESTON ST IN PLACEDO,

VICTORIA CO, TX

TCEQ Region:

**REGION 14 - CORPUS CHRISTI** 

WASTEWATER LICENSING

Date Compliance History Prepared:

April 19, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

April 19, 2007 to April 19, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Jennifer Graves

Phone:

(956) 430-6023

#### **Site Compliance History Components**

1. Has the site been in existence and/or operation for the full five year compliance period?

YES

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

3. If YES, who is the current owner/operator?

4. If YES, who was/were the prior owner(s)/operator(s)?

N/A N/A

5. If YES, when did the change(s) in owner or operator occur? Rating Date: 9/1/2011

Repeat Violator: NO

#### Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

Chronic excessive emissions events.

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 04/24/2007 (554476)

2 05/14/2007 (626274)

3 06/18/2007 (626275)

4 07/11/2007 (626276)

5 08/24/2007 (626278)

6 09/13/2007 (626279)

7 10/15/2007 (626281)

8 12/12/2007 (626285)

- 10 03/17/2008 (675876)
- 11 01/11/2008 (675877)
- 12 04/15/2008 (694258)
- 13 05/07/2008 (694259)
- 14 11/18/2008 (708195)
- 15 06/16/2008 (715630)
- 16 07/14/2008 (715631)
- 17 08/08/2008 (715632)
- 18 09/10/2008 (715633)
- 19 10/10/2008 (715634)
- 20 02/06/2009 (725268)
- 21 11/17/2008 (731338)
- 22 12/22/2008 (731339)
- 23 02/24/2009 (754656)
- 24 01/20/2009 (754657)
- 25 03/23/2009 (771890)
- 26 04/22/2009 (771891)
- 27 05/28/2009 (771892)
- 28 03/12/2010 (794123)
- 29 10/21/2009 (815688)
- 30 09/13/2010 (859941)
- 31 09/20/2010 (868327)
- 32 09/20/2010 (868328)
- 33 09/20/2010 (868329)
- 34 09/20/2010 (868330)
- 35 09/20/2010 (868331)
- 36 09/20/2010 (868332)
- 37 09/20/2010 (868333)
- 38 09/02/2010 (869865)

	39 1	0/12/201	0 (875222)			
	40 1	0/12/201	0 (875223)			
	41 1	2/30/201	0 (885078)			
	42 1	2/23/201	(897617)			
	43 0	9/28/200	928909)			
	44 0	9/28/200	928910)			
	45 1	0/12/201	10 (928911)			
	46 C	9/28/200	928912)			
	47 1	0/21/200	928913)			
	48 1	0/08/201	10 (972669)			
	49 0	3/29/201	12 (990216)			
	50 1	10/08/201	10 (999304)			
Vritte	n notices	of violation	ons (NOV). (CCE	EDS Inv. Track. No.)		
Dat	e: 0	4/24/2007	(554476)	CN6015	582513	
	Self Rep Citation:		30 TAC Chapter	r 305, SubChapter F 305.125(1	Classification:	Minor
	Descript	ion:	Effluent Limitation	ons PERMIT the permitted flow limitation dur	ring the month of Jar	nuary, 2007.
	Date: 0	3/31/2008	3 (694258)	CN6015	582513	
	Self Rep Citation:		2D TWC Chapte	er 26, SubChapter A 26.121(a) r 305, SubChapter F 305.125(1	Classification:	Moderate
	Descript	ion:	Failure to meet	the limit for one or more permit	parameter	
		1/18/2008	` ,	CN6015		
	Self Rep Citation:		30 TAC Chapte	r 305, SubChapter F 305.125(1 ons No.1, Pg. 2 PERMIT	Classification:	Moderate
	Descript	ion:		ly with the effluent limitations as	s specified in the per	mit.
	Self Rep Citation:		30 TAC Chapte	r 319, SubChapter A 319.7(a) uirements No. 3(c), Pg. 5 PERN	Classification:	Minor
	Descript	ion:	0 1	ain complete records of monitor		
	Self Rep Citation:		30 TAC Chapte	r 305, SubChapter F 305.125(1 quirements No. 1, Pg. 9 PERMI		Minor
	Descript	ion:	Failure to retain	process control, maintenance, padily available for review by a	and operations reco	
	Self Rep Citation:		30 TAC Chapter	r 305, SubChapter F 305.125(1		Minor

E.

Written

Monitoring Requirements No. 7(c), Pg. 6 PERMIT Failure to report in writing to the Regional Office and the Enforcement Division Description: (MC 224) within five working days of becoming aware of any effluent violation

which deviates from the permitted effluent limitation by more than 40%.

Self Report?

Classification: Minor

Citation:

30 TAC Chapter 319, SubChapter A 319.6

Description:

Failure to assure the quality of all measurements through the use of blanks,

standards, duplicate analyses, and spikes.

Self Report? Citation:

NO

30 TAC Chapter 319, SubChapter A 319.5(e)

Monitoring Requirements No. 4, Pg. 5 PERMIT

Description:

Failure to indicate the increased frequency of sampling on the Discharge

Monitoring Report (DMR).

Self Report?

NO

Classification:

Classification:

Minor

Minor

Citation:

30 TAC Chapter 319, SubChapter A 319.11(c)

Description:

Failure to analyze effluents according to test methods specified in 40 CFR Part 136 or more recent editions of Standard Methods for the Examination of Water

and Wastewater than those cited in Part 136.

Self Report?

NO

Classification:

Minor

Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(11)(B) Sludge Provisions Section III(G), Pg. 22 PERMIT

Description:

Failure to report annually to the TCEQ Regional Office (MC Region 14) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year items 1-9 listed in TPDES Permit 12743-001 page

Self Report?

Citation:

NO

Classification: Minor

Classification:

Classification:

Classification:

Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(g)

Operational Requirements No. 1, Pg. 9 PERMIT

Description:

Failure to at times ensure that the facility and all of its systems of collection,

treatment, and disposal are properly operated and maintained.

Date: 10/31/2009

(815688)

CN601582513

Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to meet the limit for one or more permit parameter

Date: 11/30/2009

(875222)

CN601582513

Self Report? Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 12/31/2009

(875223)

(868328)

CN601582513

Self Report? Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 02/28/2010

CN601582513

Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to meet the limit for one or more permit parameter

(794123)

CN601582513

Date: 03/12/2010

Classification: Moderate

Citation:

Self Report? NO

30 TAC Chapter 305, SubChapter F 305.125(1)

Effluent Limitations No. 1, Pg. 2 PERMIT

Description:

Failure to comply with effluent limitations as required by the permit.

Self Report?

NO

30 TAC Chapter 319, SubChapter A 319.7(c)

Classification: Moderate

Classification:

Citation:

Reporting Requirements No.1, Pg. 4 PERMIT

Description:

Failure to submit the required Discharge Monitoring Reports (DMRs) during the

investigation.

Self Report?

NO

30 TAC Chapter 319, SubChapter A 319.4

Monitoring Requirements No. 1, Pg. 2 PERMIT

Description:

Citation:

Failure to monitor on regular basis each parameter included in the permit.

Date: 06/30/2010

CN601582513

Self Report? YES

Classification: Moderate

Major

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

(868332)

Description:

Failure to meet the limit for one or more permit parameter

Date: 07/31/2010

(868333)

CN601582513

Self Report? YES

Classification:

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 09/02/2010

(869865)

CN601582513

Self Report? NO

NO

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? Citation:

30 TAC Chapter 305, SubChapter F 305,125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

Citation:

NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report?

NO

Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Moderate

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

30 TAC Chapter 305, SubChapter F 305.125(17)

NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? Citation:

NO

Classification:

Classification:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report?

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

Citation:

NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report?

Classification: Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report?

Classification:

Moderate

Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description:

NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/13/2010

(859941)

CN601582513

Citation:

Self Report? NO

30 TAC Chapter 319, SubChapter A 319.7(a)

Monitoring Requirements No. 3(c), Pg. 5 PERMIT

Description:

Failure to maintain complete records of monitoring activities.

Self Report?

NO

Classification: Minor

Classification:

Minor

Citation:

30 TAC Chapter 319, SubChapter A 319.6

Description:

Failure to assure the quality of all measurements through the use of blanks,

standards, duplicate analyses, and spikes.

Self Report? NO

Classification:

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305.125(11)(B) Sludge Provisions Section III(G), Pg. 22 PERMIT

Description:

Failure to report annually to the TCEQ Regional Office (MC Region 14) and the Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1 of each year items 1-9 listed in TPDES Permit 12743-001 page

22.

Self Report? NO Citation:

Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations No. 1, Pg. 2 PERMIT

Failure to comply with effluent limitations as required by the permit.

Self Report?

Description:

NO

Classification: Moderate

30 TAC Chapter 319, SubChapter A 319.7(c) Reporting Requirements No.1, Pg. 4 PERMIT

Citation: Description:

Failure to submit the required Discharge Monitoring Reports (DMRs) during the

investigation.

F. Environmental audits.

Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	8	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
VICTORIA COUNTY WATER	§	TEXAS COMMISSION ON
CONTROL AND IMPROVEMENT	§	
DISTRICT NO. 2	§	
RN101612331	§	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2012-0913-MWD-E

#### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Victoria County Water Control and Improvement District No. 2 ("Respondent") under the authority of Tex. Water Code chs. 5, 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

- 1. The Respondent owns and operates a wastewater treatment plant located approximately 3,000 feet north-northeast of the intersection of United States Highway 87 and Farm-to-Market Road 616, southeast of the intersection of Grand Street and Preston Street in Placedo, Victoria County, Texas (the "Facility").
- 2. The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in Tex. WATER CODE § 26.001(5).
- 3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 3, 2012.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Eighteen Thousand Three Hundred Sixty Dollars (\$18,360) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Six Hundred Eighty-Eight Dollars (\$14,688) of the administrative penalty and Three Thousand Six Hundred Seventy-Two Dollars (\$3,672) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 Tex. ADMIN. CODE § 70.10(a).
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to submit the discharge monitoring reports ("DMRs") for the monitoring periods ending January 31, 2011 through December 31, 2011, by the 20th day of the following month, in violation of 30 Tex. Admin. Code §§ 305.125(1) and (17) and 319.7(d) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012743001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on March 6, 2012.
- 2. Failed to submit a complete sludge report for the monitoring period ending July 31, 2011, in violation of 30 Tex. Admin. Code § 305.125(1) and (17) and TPDES Permit No. WQ0012743001, Sludge Provisions, as documented during a record review conducted on March 6, 2012. Specifically, the sewage sludge for land application ("SLLA") DMR for the 2011 sludge report was missing parameter data.
- 3. Failed to pay outstanding public health service fees for TCEQ Financial Account No. 92350006 for the 2012 fiscal year, in violation of 30 Tex. ADMIN. CODE § 205.6 and Tex.

WATER CODE § 5.702, as documented during a record review conducted on April 19, 2012.

#### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Victoria County Water Control and Improvement District No. 2, Docket No. 2012-0913-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished including the timely submittal of signed and certified monthly DMRs, and annual sludge reports, in accordance with TPDES Permit No. WQ0012743001;
    - ii. Submit the DMRs for the monitoring periods ending January 31, 2011 through December 31, 2011, in accordance with TPDES Permit No. WQ0012743001, Monitoring and Reporting Requirements;
    - iii. Submit the complete SLLA DMR for the 2011 sludge report, in accordance with TPDES Permit No. WQ0012743001, Sludge Provisions; and
    - iv. Submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "Re: Victoria County Water Control and Improvement District No. 2, TCEQ Financial Administration Account No. 92350006", to the address listed in Ordering Provision No. 1.

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Corpus Christi Regional Office Texas Commission on Environmental Quality 6300 Ocean Drive, Suite 1200 Corpus Christi, Texas 78412-5503

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the

Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

# SIGNATURE PAGE

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission
For the Executive Director  Date
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.
<ul> <li>I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in: <ul> <li>A negative impact on compliance history;</li> <li>Greater scrutiny of any permit applications submitted;</li> <li>Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;</li> <li>Increased penalties in any future enforcement actions;</li> <li>Automatic referral to the Attorney General's Office of any future enforcement actions; and</li> <li>TCEQ seeking other relief as authorized by law.</li> </ul> </li> <li>In addition, any falsification of any compliance documents may result in criminal prosecution.</li> </ul>
Signature  Signature  Date  Date  Dimmy w. John Son  Name (Printed or typed)  Authorized Representative of  Victoria County Water Control and Improvement District No. 2

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.